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166 F.3d 873, 879-80 (7th Cir. 1999) (holding that for offenses that are not continuing offenses, "the offense is committed and the limitations period begins to run once all elements of the offense are established, regardless of whether the defendant continues to engage in criminal conduct.") Defendant points to no Fourth Circuit case law counter to the Seventh's Circuit's well-reasoned holding.

The government asserts that the evidence will show some of the elements of the offenses were within the statute of limitations, and details these elements in its response. Relying on the government's assertion regarding the elements, the court DENIES the motion to dismiss counts two and three [DE #48] as to statute of limitations without prejudice for the reasons stated in the government's response. Should the evidence at trial show that all elements were completed outside the statute of limitations, counsel may renew his motion.

This 24<sup>TH</sup> day of January 2017.



Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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